

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
NINA JANE LAING,

Plaintiff,

-against-

JOHN DOE *et al.*,

Defendants.

ANALISA TORRES, District Judge:

USDC SDNY
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15 Civ. 1061 (AT) (GWG)

**ORDER ADOPTING
REPORT AND
RECOMMENDATION**

On February 11, 2015, Plaintiff, Nina Janea Laing, brought this action pursuant to 42 U.S.C. § 1983, alleging that she was injured while exiting a “ferry bus” operated by the New York City Department of Transportation. ECF No. 2. On March 30, 2015, the Court directed the Department of Transportation to provide Plaintiff with the names and addresses of the two “John Doe” defendants named in this action and ordered Plaintiff to file an amended complaint within 30 days of receiving this information. ECF No. 5. That day, the Court also referred this action to Magistrate Judge Gorenstein for general pretrial supervision. ECF No. 6.


On May 14, 2015, the New York City Law Department submitted a letter to the Court, identifying one of the “John Doe” defendants as the Commissioner of the Department of Transportation and stating that it was unable to identify the other “John Doe” defendant as the Department of Transportation does not operate a “ferry bus” or employ “bus drivers” as described in Plaintiff’s complaint. ECF No. 7. The letter indicated a copy had been sent to Plaintiff via regular mail. *Id.* On July 20, 2015, Judge Gorenstein issued an order to show cause, directing Plaintiff to file an affidavit or declaration explaining why the case should not be dismissed for failure to file an amended complaint as required by the Court’s March 30 order. ECF No. 8. After Plaintiff failed to do so, Judge Gorenstein issued a Report and Recommendation (“R & R”) on August 17, 2015, recommending that the action be dismissed pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute. ECF No. 9.

Despite notification of the right to object to the R & R, no objections were filed, and the time to do so has passed. *See* Fed. R. Civ. P. 72(b)(2). When no objection is made, the Court reviews the R & R for clear error. *Dunham v. City of New York*, No. 11 Civ. 1223, 2013 WL 929029, at *1 (S.D.N.Y. Mar. 11, 2013). The Court finds no clear error. Accordingly, the Court ADOPTS the R & R in its entirety, and the action is DISMISSED pursuant to Rule 41(b) for failure to prosecute.

The Clerk of Court is directed to close the case and to mail a copy of this order to Petitioner *pro se*.

SO ORDERED.

Dated: April 5, 2016
New York, New York


ANALISA TORRES
United States District Judge